

Prior law provided that the workers compensation coverage shall apply to every person performing services arising out of and incidental to his employment in the course of his own trade, business, or occupation, or in the course of his employer's trade, business, or occupation.

Prior law provided an exception for the bona fide president, vice president, secretary, or treasurer of a corporation who owns not less than 10% of the stock therein, or a partner with respect to a partnership employing him, or a member of a limited liability company who owns not less than a 10% membership interest therein, or a sole proprietor with respect to such sole proprietorship. Allowed such persons to elect not to be covered by written agreement. Provided that such election shall not be limited, but shall apply to all trades, businesses, or occupations conducted by the corporation, partnership, limited liability company, or sole proprietorship. Provided that such an election shall be binding upon the employing corporation, partnership, limited liability company, and sole proprietor and the surviving spouse, relatives, personal representative, heirs, or dependents of the officer, partner, member, or sole proprietor.

New law retains prior law and specifies that the written agreement be between the officer, member, or sole proprietor and his insurer or group self-insurance fund.

Effective August 15, 2010.

(Amends R.S. 23:1035(A))